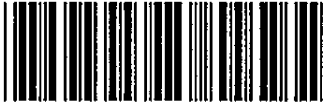


USDC SCAN INDEX SHEET



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3:98-CV-01340 WEBSIDESTORY INC V. FLYING CROCODILE INC

1

CMP.

DAVID C. DOYLE, CALIFORNIA STATE BAR NO. 70670
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FILED

98 JUL 21 PM 2:23

Attorneys For Plaintiff
 WEBSIDESTORY, INC.

CLERK, U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

BY: *J. Sch* DEPUTY

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

WEBSIDESTORY, INC.	) Civil Case No.
)
Plaintiff,	) COMPLAINT FOR FEDERAL
	) UNFAIR COMPETITION BASED
v.	) UPON SERVICE MARK
	) INFRINGEMENT, FEDERAL
FLYING CROCODILE, INC., ANDREW	) UNFAIR COMPETITION BASED
EDMOND, ROSS PERKINS, DOES 1-10	) UPON TRADE DRESS
and XYZ COMPANIES 1-10	) INFRINGEMENT, FEDERAL
(Unidentified),	) TRADEMARK DILUTION, STATE
	) INJURY TO BUSINESS
Defendants.	) REPUTATION AND DILUTION;
	) STATE UNFAIR COMPETITION,
	) AND TORTIOUS INTERFERENCE
	) WITH CONTRACT
)
	) JURY TRIAL DEMANDED

98 cv 1340 K LAB

PLAINTIFF WEBSITE STORY, INC. complains against DEFENDANTS
 FLYING CROCODILE, INC, ANDREW EDMOND, ROSS PERKINS, DOES 1-10,
 AND XYZ COMPANIES 1-10 (hereinafter, collectively referred to as
 "Defendants.") as follows:

THE PARTIES

1. This is an action to recover damages and obtain
 injunctive relief under the trademark laws of the United States
 and the related laws of the State of California for the
 unauthorized use of Plaintiff's service marks and trade dress on
 Defendants' Internet web site.

ORIGINAL

1 2. Plaintiff WebSideStory, Inc. ("WSS") is a
2 corporation organized and existing under the laws of California,
3 having its principal place of business at 6450 Lusk Boulevard,
4 Suite E204, San Diego, California 92121.

5 3. Defendant Flying Crocodile, Inc. is, upon
6 information and belief, a corporation organized and existing
7 under the laws of the State of Washington having its principal
8 place of business at 1509 Queen Anne Avenue North, No. 272,
9 Seattle, Washington 98109.

10 4. Defendant Andrew Edmond (hereinafter "Edmond")
11 is, upon information and belief, the Chief Executive Officer and
12 President of Flying Crocodile, Inc. Plaintiff alleges, upon
13 information and belief, that Edmond induced, aided, abetted,
14 controlled and/or directed and contributed to the improper and
15 infringing conduct alleged below.

16 5. Defendant Ross Perkins (hereinafter "Perkins")
17 is, upon information and belief, the Chief Technical Officer of
18 Flying Crocodile, Inc. Plaintiff alleges, upon information and
19 belief, that Perkins induced, aided, abetted, controlled and/or
20 directed and contributed to the improper and infringing conduct
21 alleged below.

22
23 6. The true names of DOES 1 through 10, and XYZ
24 COMPANIES 1 through 10, are unknown to WSS. WSS is informed and
25 believes and on that basis alleges that each of the Defendants
26 designated herein as a DOE or XYZ COMPANY is legally liable and
27 responsible directly or indirectly for the matters alleged in
28 this Complaint. WSS will seek leave to amend this Complaint to

1 show the true names and capacities of these defendants when they
2 become known.

3 JURISDICTION AND VENUE

4 7. Personal jurisdiction exists over Defendants by
5 virtue of Defendants' purposeful availment of the privilege of
6 doing business in California through their interactive web site.
7 This web site has a registration page which reaches out to
8 potential customers, including customers in California.
9 Defendants' activities have been directed towards California
10 residents, and Defendants currently have at least one California
11 customer that is listed with their service.

12 8. This Court has original jurisdiction of the
13 subject matter for each of the following claims:

14 a. Federal unfair competition, false
15 designation of origin, false description based upon service mark
16 infringement in violation of 15 U.S.C. section 1125, with
17 jurisdiction vested in this Court by virtue of 15 U.S.C. section
18 1121 and 28 U.S.C. sections 1331, 1332, and 1338.

19 b. Federal unfair competition, false
20 designation of origin, false description based upon trade dress
21 infringement in violation of the Lanham Act, 15 U.S.C. section
22 1125, with jurisdiction vested in this Court by virtue of 15
23 U.S.C. section 1121 and 28 U.S.C. sections 1331, 1332, and 1338.

24 c. Dilution under the Federal Trademark
25 Dilution Act of 1995 in violation of the Lanham Act, 15 U.S.C.
26 section 1125, with jurisdiction vested in this Court by virtue
27 of 15 U.S.C. section 1121 and 28 U.S.C. sections 1331, 1332, and
28 1338.

d. Injury to business reputation and dilution in violation of California Business and Professions Code section 14330(a), with jurisdiction vested in this Court by virtue of 28 U.S.C. sections 1331, 1332, and 1338(b), and by virtue of the principles of supplemental jurisdiction.

e. Statutory and common law unfair competition arising under the laws of California, including California Business and Professions Code section 17200 with jurisdiction vested in this Court by virtue of 28 U.S.C. sections 1331, 1332, and 1338, and by virtue of the principles of supplemental jurisdiction.

f. Tortious interference with contract arising under the laws of California with jurisdiction vested in this Court by virtue of 28 U.S.C. sections 1331, 1332, and 1338, and by virtue of the principles of supplemental jurisdiction.

9. Venue properly lies in this district pursuant to 28 U.S.C. section 1391 because Defendants are offering their services in this district via an interactive Internet web site, and are subject to personal jurisdiction in this district.

BACKGROUND AND GENERAL ALLEGATIONS

10. WSS is in the business of providing marketing services for Internet web sites. WSS' main marketing efforts are accomplished through "ranking" web sites among the over 14,000 different sites that list with WSS. WSS compiles, rates, and lists these sites and presents them in an organized fashion. In conjunction with these marketing activities, WSS has created a number of "ranking" web sites, including, among others, adult content sites under the following service marks: "ADULT 10000,"

1 "LESBIAN 1000," "GAY 1000", "ASIAN 1000," "TEEN 1000" and
2 "FETISH 1000" (hereinafter, collectively referred to as the "WSS
3 Service Marks"). WSS has filed each of the WSS Service Marks
4 for registration with the United States Patent and Trademark
5 Office.

6 11. WSS provides a valuable service for the owners of
7 third-party web sites. By being on WSS' site, independent
8 owners of web sites gain exposure to the large number of people
9 who daily access WSS' sites. Additionally, WSS provides
10 detailed statistics on the number of viewers to each site, the
11 average time spent on the site, and the number of return viewers
12 to each site. This compilation of statistics, and WSS' large
13 concentration of content confers a benefit to WSS' customers.
14 As a result of WSS' rating and tracking of web sites, WSS' sites
15 receive substantial Internet "traffic" which makes the
16 advertising space on WSS' site quite valuable.

17 12. WSS solicits the owners of Internet web sites
18 ("webmasters") to list with WSS through its interactive web
19 site. In return for WSS listing the site, the webmaster places
20 a "banner ad" on his or her web site. This banner ad contains a
21 link that will send the viewer back to WSS' home page.

22 13. The design of WSS' banner ads are all patterned
23 around the same idea. Each ad has the picture of a face
24 combined with one of WSS' Service Marks.

25 14. The design of WSS' web sites follows a uniform
26 and distinctive pattern which constitutes WSS' trade dress. The
27 background of WSS' web pages are white, with a black bar on the
28 side and top that includes links to related sites. When looking

1 at the rankings that WSS presents, a viewer is shown a table
 2 format with alternating gray and white bars. One site, with a
 3 link, is listed and described in each bar. On the left hand
 4 side of each listing is the site's rank for the day. On the
 5 right hand side of the listing is the number of visitors to the
 6 site that day. The left hand side of the bar also contains a
 7 miniature representation of a bar graph. By clicking on this
 8 bar graph, the viewer is presented with statistics on the site.
 9 Finally, the ranks of each site are divided in groups of ten,
 10 and in between each group is a link to the "Site of the Hour."

11 15. WSS is one of the oldest companies which lists
 12 and ranks adult web sites. WSS is well known for its services,
 13 and its banner ads are recognized throughout the industry.

14 16. Defendants have recently started a service that
 15 lists and ranks adult web sites. Defendants solicit webmasters
 16 through their interactive web site. Like WSS, Defendants list
 17 web sites in return for the webmasters placing Defendants'
 18 banner ad on their site.

19 17. The design of Defendants' "banner ads" are
 20 similar to those of WSS, and include unauthorized depictions of
 21 the WSS Service Marks. Each of Defendants' banner ads at issue
 22 in this action has the picture of a face combined with one of
 23 the WSS Service Marks: "ADULT 10000," "GAY 1000," "LESBIAN
 24 1000," "ASIAN 1000," "TEEN 1000" or "FETISH 1000." When a
 25 viewer clicks on one of these banner ads, the viewer is taken to
 26 Defendants' main web site, and not to WSS' web sites as the use
 27 of the WSS Service Marks suggests.

28 / / /

18. The design of Defendants' web sites also follow a uniform pattern which is very similar, if not identical, to the design of WSS' sites. The background of Defendants' web pages are white, and contain black bars on the side and top with links to related sites. Visitors to Defendants' web sites are shown the ranked sites in a table format with alternating gray and white bars. On the left hand side of each listing is the site's rank for the day. On the right hand side of each listing is an icon that looks like a bar graph. Clicking on this bar graph icon gives the viewer detailed statistics about the web site. Also to the right of the listing is the number of visits the site has received that day. Defendants' listings are divided in groups of ten, and in between each block of listings is a link to the "Site of the Hour."

FIRST CLAIM FOR RELIEF

(Federal Unfair Competition Based Upon Service Mark
Infringement in Violation of 15 U.S.C. § 1125)

19. WSS incorporates by this reference the allegations contained in paragraphs 1 through 18.

20. By virtue of its prior use of the WSS Service Marks in commerce, WSS is the common law owner of each of the WSS Service Marks.

21. WSS has used in commerce the "ADULT 10000" and "GAY 1000" service marks since June 2, 1997, the "LESBIAN 1000" service mark since December 21, 1997, the "ASIAN 1000" service mark since November 26, 1997, and the "TEEN 1000" and FETISH 1,000 service marks since April 30, 1998 to advertise, promote,

/ / /

1 and sell its Internet listing services. The WSS Service Marks
2 have been displayed prominently throughout the Internet.

3 22. As a result of WSS' nationwide and continuous use
4 and promotion of the WSS Service Marks, the marks have come to
5 denote a single source of high quality service by WSS, and they
6 represent and symbolize the reputation and valuable goodwill of
7 WSS among users and service providers on the Internet.

8 23. Defendants' unauthorized use in commerce of the
9 WSS Service Marks in banner ads which link to Defendants' web
10 sites is likely to confuse, cause mistake or deceive consumers
11 as to the source of Defendants' services in that consumers will
12 be likely to associate such banner ads and web sites as
13 originating from, affiliated with, or approved by WSS and to the
14 detriment of WSS. This conduct constitutes unfair competition,
15 false designation of origin and false description in violation
16 of 15 U.S.C. section 1125 and is intentionally designed to
17 deceive.

18 24. As a result of Defendants' unfair competition,
19 false designation of origin, false description and infringement
20 of the WSS Service Marks, WSS has lost profits and has suffered
21 and will continue to suffer irreparable injury to its business
22 reputation and good will, for which WSS does not have an
23 adequate remedy at law. WSS is therefore entitled to an
24 injunction as set forth more specifically in the Prayer for
25 Relief below; damages and Defendants' profits; and attorney's
26 fees and costs of suit.

27 / / /

28 / / /

SECOND CLAIM FOR RELIEF

(Federal Unfair Competition Based Upon Trade Dress
Infringement in Violation of 15 U.S.C. § 1125)

25. WSS incorporates by reference the allegations contained in paragraphs 1 through 24.

26. Defendants' web sites bear a striking resemblance to, and as such, are an imitation of the trade dress of WSS' sites. WSS' design for its web sites has been continuously used for over a year and has become distinctive in the mind of its customers as being solely associated with WSS. The use of Defendants' web sites in conjunction with the marketing of adult content web sites is likely to confuse, cause mistake or deceive consumers as to the source of Defendants' services in that consumers will be likely to associate such services as originating from, affiliated with or approved by WSS and to the detriment of WSS. This conduct, constitutes unfair competition, false designation of origin and false description in violation of 15 U.S.C. section 1125 and is intentionally designed to deceive.

27. As a result of Defendants' unfair competition, false designation of origin, false description and infringement of WSS' trade dress, WSS has lost profits and has suffered and will continue to suffer irreparable injury to its business reputation and good will, for which WSS does not have an adequate remedy at law. WSS is therefore entitled to an injunction as set forth more specifically in the Prayer for Relief below; damages and Defendants' profits; and attorney's fees and costs of suit.

THIRD CLAIM FOR RELIEF

(Trademark Dilution in Violation of 15 U.S.C. § 1125(c))

28. WSS incorporates by reference the allegations contained in paragraphs 1 through 27.

29. Defendants' activities constitute trademark dilution under 15 U.S.C. section 1125(c). Its use of advertisements that depict WSS' well-known service marks is likely to lessen the distinctive quality of the WSS Service Marks.

30. As a result of Defendants' activities, WSS has lost profits and has suffered and will continue to suffer irreparable injury to its business reputation and good will, for which WSS does not have an adequate remedy at law. Because Defendants willfully intended to trade on the value of WSS' established marks and reputation, WSS is entitled to an injunction as set forth more specifically in the Prayer for Relief below; damages and Defendants' profits; and attorney's fees and costs of suit.

FOURTH CLAIM FOR RELIEF

(Injury to Business Reputation and Dilution of Trademark in Violation of California Business Code § 14330)

31. WSS incorporates by reference the allegations contained in paragraphs 1 through 30.

32. Defendants' use of the WSS Service Marks constitutes trademark dilution and is causing injury to WSS' business reputation within the meaning of the California Business and Professions Code section 14330.

/ / /

33. As a result of Defendants' dilution of the WSS Service Marks, WSS has lost profits and has suffered and will continue to suffer irreparable injury to its business reputation and good will, for which WSS does not have an adequate remedy at law. WSS is therefore entitled to an injunction as set forth more specifically in the Prayer for Relief below; damages and Defendants' profits; and attorney's fees and costs of suit.

FIFTH CLAIM FOR RELIEF

(State Unfair Competition in Violation of California Business and Professions Code § 17200)

34. WSS incorporates by reference the allegations contained in paragraphs 1 through 33.

35. Defendants' acts complained of above constitute unfair competition and unfair trade practices under the laws of the State of California, including, but not limited to, California Business and Professions Code section 17000, et seq. Such acts are not only unfair to WSS but are likely to deceive the public as well.

36. As a result of Defendants' acts of unfair competition, Defendants have been unjustly enriched and WSS has lost profits and has suffered and will continue to suffer irreparable injury to its business reputation and good will, for which WSS does not have an adequate remedy at law. Defendants should be required to restore any and all gains, profits and advantages derived by them as a result of their unlawful and unfair actions. WSS also is entitled to injunctive relief prohibiting Defendants' continuing acts of unfair competition and unfair trade practices.

SIXTH CLAIM FOR RELIEF(Tortious Interference with Prospective
Economic Advantage)

37. WSS incorporates by reference the allegations contained in paragraphs 1 through 36.

38. Defendants knew that noncontractual relationships existed between WSS and prospective customers that, if reduced to contract, would likely produce future economic benefit to WSS. By distributing banner ads over the Internet that were so similar to WSS' well-known banner ads, Defendants intentionally interfered with WSS' prospective economic advantage by doing the things alleged above.

39. As a result of Defendants' tortious interference with WSS' prospective economic advantage, WSS has lost profits and has suffered and will continue to suffer irreparable injury to its business reputation and good will, for which WSS does not have an adequate remedy at law, in that damages would not completely compensate WSS for the loss of economic advantage or the injuries to WSS' business reputation and good will. Defendants, unless restrained, will continue to interfere with and disrupt other prospective economic advantages which WSS would otherwise enjoy and benefit from, all to WSS' great and irreparable injury. WSS is therefore entitled to an injunction as set forth more specifically in the Prayer for Relief below; damages and Defendants' profits; and attorney's fees and costs of suit.

/ / /

/ / /

1 WHEREFORE, WSS prays for judgement against Defendants
2 and against all their subsidiaries, affiliates, agents,
3 servants, employees, officers, directors, partners and all
4 persons in active concert or participation with Defendants,
5 including the following relief:

6 1. A permanent injunction restraining Defendants
7 from infringing the WSS Service Marks or trade dress in
8 connection with its Internet services or otherwise using service
9 marks or trade dress similar to the WSS Service Marks and trade
10 dress.

11 2. A judgment and order that Defendants be required
12 to deliver up and destroy any and all infringing materials
13 bearing the WSS Service Marks and all reproductions,
14 counterfeits, copies, or colorable imitations thereof, as well
15 as all related advertising and promotional material, including
16 the retraction of all infringing banner ads, pursuant to 15
17 U.S.C. section 1118.

18 3. A judgment and order that Defendants be required
19 to supply WSS with a complete record of all transactions,
20 agreements, and other activities involving or connected with the
21 making, using, or selling of infringing services or activities.

22 4. A judgment and order that Defendants be required
23 within thirty days of entry of judgment herein, to file with
24 this Court and serve upon WSS a written report stating, in
25 detail and under oath, the manner in which Defendants have
26 complied with paragraphs 2 through 4 of this prayer for relief.

27 5. A judgment and order that Defendants shall be
28 liable to WSS for the following:

1 a. WSS' damages and Defendants' profits from
2 Defendants' unfair competition, infringement and dilution of the
3 WSS Service Marks, infringement of WSS' trade dress and
4 interference with prospective economic advantage in an amount in
5 excess of five hundred thousand dollars (\$500,000.00);

6 b. Prejudgment interest on all sums awarded;

7 c. The cost of bringing and maintaining this
8 action;

9 d. Reasonable attorney's fees.

10 6. An award trebling the amount of damages so
11 determined, pursuant to 15 U.S.C. section 1117.

12 7. That WSS have such other and further relief as
13 the Court deems equitable, just and proper.

14
15 Dated: July 21, 1998 BAKER & MCKENZIE

16
17 By: 

18 David C. Doyle
Michael W. Vella

19 Attorneys for Plaintiff
20 WEBSITE STORY, INC.
21
22
23
24
25
26
27

CIVIL COVER SHEET

JS 44

(Rev. 11/95)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

I. (a) PLAINTIFFS

WEBSIDESTORY, INC.

DEFENDANTS

08 JUL 21 PM 2:26
FLYING CROSSBOW, INC. ANDREW
EDMOND, ROSS PERKINS, DOES 1-10 and
XYZ COMBUSTIBLES (U.S. DISTRICT COURT)
SOUTHERN DISTRICT OF CALIFORNIA

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF SAN DIEGO, CA
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT KINGS, WA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

DAVID C. DOYLE / MICHAEL W. VELLA
BAKER & MCKENZIE
101 WEST BROADWAY, SUITE 1200
SAN DIEGO, CA 92101 619-236-1441

ATTORNEYS (IF KNOWN)

'98 cv 1340 K LAB

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights		

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

15 USC SECTION 1125 (FEDERAL UNFAIR COMPETITION BASED UPON INFRINGEMENT OF SERVICE MARK AND TRADE DRESS; FEDERAL TRADEMARK DILUTION)

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$ 500,000 (in excess of)

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

JULY 21, 1998

FOR OFFICE USE ONLY

RECEIPT # 040517

AMOUNT

\$150.00

APPLYING IPP

JUDGE

MAG. JUDGE